

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DOCKET NO.: 05 10876 WGY

ALAN DREYFUS,

Plaintiff,

v.

JAMES ROMANO, TOWN OF

BERKLEY and BOARD OF HEALTH,

Defendants.

**DEFENDANTS' MOTION TO COMPEL
PLAINTIFF TO MAKE INITIAL DISCLOSURES**

The defendants, James Romano, Town of Berkley and Board of Health, move pursuant to Fed.R.Civ.P. Rules 16(f) and 37(b) and (c), and the corresponding Local Rules, to compel the plaintiff to make initial disclosures as required by Fed.R.Civ.P. 26(a), as ordered by this Court on July 6, 2005. In support of this Motion, the defendants state as follows:

1. On July 6, 2005, the Court approved the parties' Joint Statement, as modified, and ordered the parties to make initial disclosures by July 19, 2005.
2. The plaintiff has failed to make said initial disclosure.
3. Prior to filing said Motion, defendants' counsel left telephone messages for plaintiff's counsel requesting the plaintiff's disclosures but did not receive any response. On August 12, 2005, defendants' counsel forwarded a letter to plaintiff's counsel requesting the plaintiff's disclosures or a discovery conference. No response has been received. On September 21, 2005, defendants' counsel sent a facsimile to plaintiff's

counsel requesting production of the plaintiff's disclosures to preclude the necessity of filing this motion. Again, no response has been received.

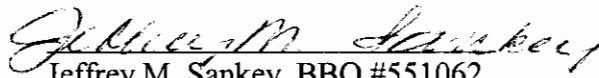
4. Certification: As indicated above, the undersigned counsel has in good faith attempted to confer with the plaintiff's counsel in an effort to secure the disclosure without court action.

WHEREFORE, the defendant requests that the Court order the plaintiff to make his initial disclosure within ten (10) days of the Court's order, and that the Court order the plaintiff to pay the defendants their reasonable attorney's fees incurred in filing this Motion.

Respectfully submitted,

The Defendants,
By their attorneys,

PIERCE, DAVIS & PERRITANO, LLP


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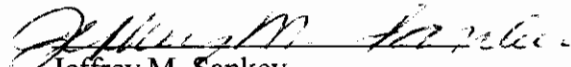
Dated: 9/26/05

CERTIFICATE OF SERVICE

I hereby certify that this 26th day of September, 2005, a true and accurate copy of Defendants' Motion to Compel Plaintiff to Make Initial Disclosures was served, via first-class, postage prepaid mail, on the following:

John P. Long, Esq.
P.O. Box 4177
722 Eastern Avenue
Fall River, MA 02723

Brian Corey, Jr., Esq.
1041 Main Road
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Jeffrey M. Sankey